

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GERALD DEMARSH, SR.

V.

T.L. LILLARD, et al.

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CIVIL ACTION NO. 6:08-CV-223

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge has been presented for consideration. (Doc. No. 44.) Plaintiff Gerald DeMarsh filed an objection (Doc. No. 46) to the Report and Recommendation. Having carefully considered the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

Therefore, the Court hereby adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court, and **ORDERS** that Plaintiff's Motion for Default Judgment be **DENIED** and that Plaintiff's claims against Defendant T.L. Lillard be **DISMISSED** for lack of subject matter jurisdiction.

So ORDERED and SIGNED this 28th day of May, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**